

**ENTERED**

February 26, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**RODNEY UNDERWOOD,**

**Plaintiff,**

**VS.**

**COMMUNITY LOAN SERVICING, LLC,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§


**CIVIL ACTION NO. 4:23-CV-04405**

**ORDER**

Before the Court is the Motion to Dismiss filed by Defendant Community Loan Servicing, LLC. ECF No. 4. On February 25, 2024, Plaintiff Rodney Underwood filed his Amended Original Petition. ECF No. 18. Plaintiff's Amended Original Petition supersedes Plaintiff's Original Petition, ECF No. 1, which was the basis of Defendants' Motion to Dismiss. The amended pleading renders the Original Petition of no legal effect. *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Therefore, Defendants' Motion to Dismiss, ECF No. 4, is **DENIED AS MOOT**. The Court notes that Defendant is free to make whatever filings it deems appropriate in response to the Amended Original Petition, as the Court makes no determination of law as to its sufficiency.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 26th day of February, 2024.



HON. KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE